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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/583,112

08/28/2006

Harald Sysc

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07/02/2007

GABLE & GOTWALS

100 WEST FIFTH STREET, 10TH FLOOR
TULSA, OK 74103

EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,112

Applicant(s)

SYSE ET AL.

Examiner

James F. Hook

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3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/14/06; 8/28/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 4, 6, 9, 12, and 16 all have dependency upon claim 1 which has been canceled by the preliminary amendment of June 14, 2006, therefore these claims are indefinite where the scope of the claims cannot be determined when such depend from a canceled claim. The remaining claims are indefinite for being dependent on one of the above claims that is indefinite for not being dependent from an active claim. For the sake of speedy prosecution, the examiner will treat claims 3, 4, 6, 9, 12, and 16 as being dependent from claim 2 since such is the only independent apparatus claim remaining in the application and these claims are apparatus limitations. The remaining claims will be treated based upon their current dependency as if the claims they depended from were corrected to have dependency on claim 2 instead of claim 1.

It is also noted that at least claim 12 contains structure which is being positively recited for a second time if such were to depend from claim 2, but applicant is requested

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to correct the subject matter of claim 12 such that it is not positively reciting the same structure already found in claim 2 and positively recited there upon filing an amendment to this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (384). The patent to Campbell discloses the recited plug for closing off a pipe comprising anchoring 26 and sealing 24 devices operated by at least one hydraulic cylinder near 68, with a piston 72 provided on a piston rod 76 that extends from both sides of the piston head 72 where such is provided with a control system to actuate or release the plug, a source of hydraulic fluid in the form of accumulator structures 44, 194, a pump 36, and valve system are also provided as well as switches to control the actuation of the piston in both directions by reversing the flow, where such is provided with a neutral open position, where the fluid is allowed to flow through the different lines such that when the pump is not running pressure is relieved from the high pressure side of the hydraulic cylinder, the control element can include the valves 200, 198 with at least an open and closed position where its neutral position of valve 198 is open, where valves are considered to be restrictive in nature inherently and valve 200

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also would be restrictive in that such includes a check valve which would restrict flow inherently, the valves are switched, the piston rod runs through both sub chambers of the cylinder chamber 70, where flow lines are connected to the chamber on both sides of the piston head (see figure 8 for a better view of the system), the pump is considered a two way pump when such flow can be reversed therefrom, the plug comprises a first end plate 86 and a second endplate 78, the cylinder chamber 68 is connected to the second endplate and provided with the piston head 72 and piston rod 76 that runs through the whole chamber, the sealing means in the form of packer 24 arranged in abutment to an inner portion 120 of the endplate structure that is formed as a wedge where the first plate is attached to the piston rod, where the method is also set forth of utilizing the plug in a manner as set forth in claim 13 where activation of the pump pressurizes the cylinder to move the piston and actuate the plug by creating a differential pressure across the plug, and the system can be set to relieve the pressure and release the plug.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (384) in view of Early (WO 03/067134). The patent to

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Campbell discloses all of the recited structure with the exception of providing a spring to bias the piston, running the pump in the opposite direction to reverse flow, and providing the hydraulic fluid from a void one the other side of the piston head. The reference to Early discloses that it is old and well known in the art to form hydraulic plugs with pistons provided in cylinders where the piston can be biased by a spring element to a neutral position with the anchoring means retracted, where the entire hydraulic system is a closed system in the plug and thereby teaching that the hydraulic fluid is provided in a void on the other side of the piston head, and that the pump provided can be a two way pump and the pump can be activated in the opposite direction. It would have been obvious to one skilled in the art to modify the plug device in Campbell by providing a spring to bias the piston to the neutral open position for the plug, to locate the accumulators in a void on the other side of the piston, and to provide a two way pump to force the anchoring means to retract rather than waiting for it to retract on it's own as suggested by Early where such would make the plug more efficient and function faster to cut down on costs for labor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Early (710), Adkins, Zehran, Wittman, Savard, Lara, and Dyck disclosing state of the art actuated plugs.

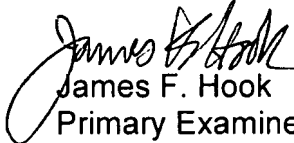
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-

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4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James F. Hook
Primary Examiner
Art Unit 3754

JFH